

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE:

Randall R. Roda  
Anne M. Roda

Debtors

MidFirst Bank

Movant

v.

Randall R. Roda  
Anne M. Roda

and

Ronda J. Winnecour, Trustee

Respondents

NO. 16-10665-TPA

CHAPTER 13

Related to Doc. 51, 55 , 61

**STIPULATION AND ORDER**

AND NOW, come the undersigned parties, by and through their respective counsel, and enter into the following Stipulation:

WHEREAS, Movant maintains a claim secured by a mortgage on Debtors' property at 721 Tyndall Avenue, Erie, PA 16511;

WHEREAS, Debtors' payments to Movant are delinquent;

WHEREAS, Movant has filed a motion for relief from the automatic stay seeking to recover possession of its collateral;

WHEREAS, Debtors have filed a response objecting to the motion for relief from stay.

It is therefore Stipulated and agreed as follows:

1. The automatic stay is terminated as it affects the interests of the Movant with respect to the property at 721 Tyndall Avenue, Erie, PA 16511; provided however, that relief from stay is stayed in accordance with the conditions set forth in Paragraphs 2-5, below.

2. On a go-forward basis from and after the date of the Order approving this Stipulation, the Debtors shall timely make full plan payments to the Chapter 13 Trustee, on or before the date upon which the respective plan payment is due.

3. Time is of the essence as to all plan payments going forward.

4. For the duration of this bankruptcy case, in the event that the Debtors fail to make any subsequent plan payments to the Chapter 13 Trustee, then the stay provided in Paragraph 1, above, shall be vacated and the automatic stay unconditionally lifted as it affects the interests of the Movant with respect to the property at 721 Tyndall Avenue, Erie, PA 16511, upon the filing of an Affidavit of Default by Movant, without further hearing or without entry of an additional order, unless the Trustee has received payment of the full amount of the delinquent payment(s) within fifteen (15) days from the date the Affidavit of Default is filed. Such Affidavit of Default shall contain a statement of default as supported by the Movant's own records as well as the records of the Chapter 13 Trustee.

4. Relief from the automatic stay shall be effective immediately upon conversion of Debtors' case to a case under Chapter 7.

5. In the event that the automatic stay is terminated as provided by this Order, then the Trustee shall make no further disbursements to any creditor on account of any secured claim that is secured by the subject collateral, unless directed otherwise by further Order of Court.

Consented to by:

/s/ Fred W. Freitag, Esquire

Fred W. Freitag, Esquire  
The Law Offices of Paul McElrath  
Attorney for Debtors  
1641 Saw Mill Run Blvd.  
Pittsburgh, PA 15210  
Phone: 412-765-3606  
fredf@mcelrathlaw.com

/s/ James C. Warmbrodt, Esquire

James C. Warmbrodt, Esquire  
KML Law Group, P.C.  
Attorney for Movant  
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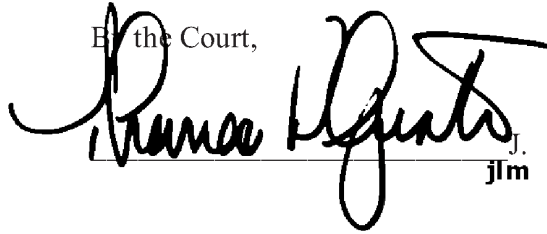
/s/ Jana Pail, Esquire

Jana Pail, Esquire  
Attorney for Chapter 13 Trustee  
US Steel Tower-Suite 3250  
Pittsburgh, PA 15219

It is hereby ORDERED that the parties' Stipulation be and hereby is APPROVED.

Dated: February 6, 2018

By the Court,



Patricia A. Hight  
J.  
jlm

**Certificate of Notice Page 4 of 4**  
United States Bankruptcy Court  
Western District of Pennsylvania

In re:  
Randall R. Roda  
Anne M. Roda  
Debtors

Case No. 16-10665-TPA  
Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0315-1

User: amaz  
Form ID: pdf900

Page 1 of 1  
Total Noticed: 1

Date Rcvd: Feb 06, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Feb 08, 2018.  
db/jdb +Randall R. Roda, Anne M. Roda, PO Box 10593, Erie, PA 16514-0593

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
NONE. TOTAL: 0

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Feb 08, 2018

Signature: /s/Joseph Speetjens

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**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on February 6, 2018 at the address(es) listed below:

James Warmbrodt on behalf of Creditor MIDFIRST BANK bkgroup@kmlawgroup.com  
Joshua I. Goldman on behalf of Creditor MIDFIRST BANK bkgroup@kmlawgroup.com  
Office of the United States Trustee ustpreregion03.pi.ecf@usdoj.gov  
Paul W. McElrath, Jr. on behalf of Joint Debtor Anne M. Roda ecf@mcelrathlaw.com,  
donotemail.ecfbackuponly@gmail.com  
Paul W. McElrath, Jr. on behalf of Debtor Randall R. Roda ecf@mcelrathlaw.com,  
donotemail.ecfbackuponly@gmail.com  
Ronda J. Winnecour cmecf@chapter13trusteedpa.com

TOTAL: 6